

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHARLES T. STEWART,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 18-cv-1089-CJP ¹
)	
COMMISSIONER of SOCIAL SECURITY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

PROUD, Magistrate Judge:

Before the Court is the parties' Agreed Motion for Remand to the Commissioner. **(Doc. 22)**.

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "the ALJ will offer Plaintiff the opportunity for a hearing and will receive additional evidence. In accordance with

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Doc. 11.

agency regulations and rulings, the ALJ will further evaluate the evidence related to Plaintiff's mental impairments, including his limitations in social functioning. The ALJ will also evaluate Plaintiff's physical limitations, including his limitations in squatting. The ALJ will solicit supplemental vocational expert testimony to determine what jobs Plaintiff could perform in light of his residual functional capacity."

Plaintiff has been challenging a determination that his disability ended in May 2000 since that determination was made some ten years ago. Several remands have occurred. See, Doc. 20, p. 2. While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Agreed Motion for Remand to the Commissioner (**Doc. 22**) is **GRANTED**.

The final decision of the Commissioner of Social Security determining that plaintiff's disability ended in May 2000 is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: October 22, 2018.

s/ Clifford J Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE